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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF MISSISSIPPI

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF MISSISSIPPI  
GREENVILLE DIVISION

*Shaw*

JAMES W. LOWE

PLAINTIFF

VS.

CAUSE NO. 4:09CV035-P-5

DEMOCRATIC MUNICIPAL EXECUTIVE  
COMMITTEE OF THE CITY OF  
LELAND, MISSISSIPPI

DEFENDANT

**ANSWER**

COMES NOW, the Democratic Municipal Executive Committee of the City of Leland, Mississippi, by and through counsel, and files this Answer to the Petition as follows:

**FIRST DEFENSE**

The Defendant answers the Complaint paragraph by paragraph as follows, to wit:

1. Admitted.
2. Admitted. However, Defendant affirmatively submits that the United States District Court for the Northern District of Mississippi, Greenville Division, has jurisdiction over this proceeding for the reasons stated in the Notice of Removal.
3. Admitted. However, Defendant affirmatively submits that the United States District Court for the Northern District of Mississippi, Greenville Division, has jurisdiction over this proceeding for the reasons stated in the Notice of Removal.
4. Admitted upon information and belief.
5. Admitted.
6. Admitted that the Defendant held a hearing on March 16, 2009 to address the Plaintiff's qualifications to be certified as a Democratic candidate for the office of

Mayor of the City of Leland, Mississippi and the Plaintiff appeared at the hearing.

The remaining allegations of this paragraph are denied.

7. Denied.

8. Denied.

9. Admitted.

10. Denied.

11. Admitted.

12. Denied.

13. Denied.

14. Denied.

15. Denied.

16. The remaining allegations of the paragraph beginning "WHEREFORE" are hereby denied.

The Defendant asserts the following additional defenses:

**SECOND DEFENSE - THE FIRST AND FOURTEENTH AMENDMENT  
TO THE UNITED STATES CONSTITUTION**

17. Until on or about March 2, 2009, the Plaintiff was a duly elected officer of the City of Leland, Mississippi's Municipal Republican Executive Committee.

18. The current election qualification cycle for primary election candidates for Mayor ran from January 1, 2009 and March 6, 2009.

19. During the current election qualification cycle for primary election candidates for Mayor, the Plaintiff served on the Republican Municipal Executive Committee charged with the responsibility for recruiting and qualifying Republican candidates for Mayor of the City of Leland,

Mississippi.

20. On or about March 6, 2009, the Plaintiff filed qualifying papers seeking qualification to run in the Democratic Primary as a candidate for the Democratic nomination for Mayor of the City of Leland, Mississippi.

21. On or about March 17, 2009, the Leland, Mississippi Municipal Democratic Executive Committee refused to qualify the Plaintiff as a Democratic candidate based upon, *inter alia*, his immediate past service as a member of the City of Leland Municipal Republican Executive Committee during the same election cycle.

22. Pursuant to the First and Fourteenth Amendments to the United States Constitution, the Defendant has the right to determine its membership and with whom it chooses to associate. *See Kucinich v. Texas Democratic Party*, \_\_\_ F.3d \_\_\_, 2009 WL 755393 (C.A.5 Tex); *Ray v. Blair*, 343 U.S. 214, 72 S.Ct. 654, 96 L.Ed. 894 (1952).

23. The Plaintiff's status as a member of the Republican Party during this election cycle constitutes an irreconcilable conflict of interest.

24. The Plaintiff's service during this election cycle as a member of the Republican Municipal Executive Committee for the City of Leland, Mississippi constitutes an irreconcilable conflict of interest.

25. The conduct of the Plaintiff is inconsistent with the values, political principles, governing provisions of the Charter and Bylaws of the Democratic Party and governing provisions of the Constitution of the Democratic Party of the State of Mississippi.

26. If the Plaintiff is allowed to qualify and run as a Democratic candidate for Mayor of the City of Leland during this election cycle, his candidacy will constitute a fraud on prospective Democratic voters.

WHEREFORE, the Defendant files this Notice of Removal and removes this civil action to the United States District Court for the Northern District of Mississippi, Greenville Division. Plaintiff is hereby notified to proceed no further in state court.

RESPECTFULLY SUBMITTED this the 1<sup>st</sup> day of April, 2009.

Respectfully submitted,

**MUNICIPAL DEMOCRATIC EXECUTIVE  
COMMITTEE OF THE  
CITY OF LELAND, MISSISSIPPI**

By: Charles E. Griffin  
Charles E. Griffin, MSB #5015  
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OF COUNSEL:

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**CERTIFICATE OF SERVICE**

I hereby certify that I have this day forwarded a true and correct copy of the above and foregoing pleading, via U.S. mail and electronic email to:

Andrew N. Alexander, III, Esq.  
Lake Tindall, LLP  
P.O. Box 918  
Greenville, MS 38702-0918

This the 1<sup>st</sup> day of April, 2009.

Charles E. Griffin  
CHARLES E. GRIFFIN